

USSN 10/042,130
Amendment Responsive to Office Action of December 3, 2003
June 3, 2004
A-1674

REMARKS

Claims 3, 6, and 10 have been amended, and claims 11-13 have been added. Additionally, the specification has been amended to address a minor informality. Thus, claims 3-13 are pending.

Applicants appreciate the Examiner's notification that reference numeral 193 was inadvertently excluded from the specification, though it appears in the drawings. Accordingly, the specification has been amended to insert the missing reference to cradle 193.

Applicants also appreciate the Examiner's indication that claims 5, 6, 9, and 10 are objected to, and would be allowable if rewritten in independent form. Responsive thereto, new independent claim 12 has been added, which is objected to claim 5 rewritten in independent form. Thus, claim 12 should be in condition for allowance. Claim 6 has been amended to depend upon allowable claim 12. New independent claim 13 has also been added, which is objected to claim 9 rewritten in independent form. Accordingly, claim 13 should also be in condition for allowance. Claim 10 has been amended to depend upon allowable claim 13.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickey '570 in view of Andrew '978 and either Trine Quick Change 4500 or NJM Thorobred 350. Applicants traverse this rejection as being improper. First, it is unclear what teachings the Trine and NJM references supply. Second, there would have been no motivation for one ordinarily skilled in the art to apply the teachings of Andrew to the system of Dickey. The Andrew patent discloses a system for handling articles and for distributing those articles from a single line of production into a plurality of travel paths (Col. 1, lines 6-11). For this reason, the feedscrews 20 for conveying the articles along the conveyor 10 are mounted on a frame 16 which is pivoted about a vertical axis in order to transfer the articles from one discharge lane (or travel path) to another (see Col. 1, line 67 through Col. 2, line 6 and Col. 3, lines 15-37).

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On the other hand, the Dickey patent discloses a system similar to that disclosed and claimed in the present application, comprising a feedscrew and conveyor system for distributing articles along a single discharge path, past a rotating vacuum drum for labeling the articles. There would have been no motivation for modifying the system of Dickey according to the teachings of Andrew, by supplying a pivotable support frame for the feedscrew, because there is no need for such a structure, since Dickey does not employ multiple alternative discharge travel paths. Moreover, even if such a modification were made, the claim limitations would not be met. Andrew discloses only pivoting of the support frame 15 about the vertical axis of the bearing. Claim 3 recites that the feedscrew is pivotable through a range of motion both horizontally and vertically. Andrew specifically discloses that the timing feedscrews 20 are movable horizontally and vertically, but this movement is not a pivoting movement through a range of motion, as claimed. Thus, it is clear that claim 3 is patentable over the proposed reference combination.

Since claims 4, 5, and 7-9 depend upon allowable claim 3, they are allowable as well. The rejections of record of claim 4 and of claim 8, based upon the reference combination applied to claim 3 as well as McCormick and Crankshaw, respectively, fall for the reasons cited above.


New independent claim 11 is similar to original claim 3, but further recites that the recited gear drive is beltless. This limitation is clearly supported in the specification at page 14, lines 15-23. Clearly, this claim is allowable over the prior art of record.

Accordingly, Applicants respectfully submit that the subject application is in condition for allowance, and early notification of such action is earnestly solicited. If further issues need to be resolved, the Examiner is respectfully invited to contact the undersigned

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at the below listed number.

Respectfully submitted,

A handwritten signature in black ink that reads "Donald E. Stout". The signature is written in a cursive style with a large, stylized "D" and "S".

Donald E. Stout

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